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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

CHESSMAN, et al

Serial No.: 10/626,812

Filed: July 23, 2003

Atty. File No.: 3123-366-1

For: "SPRING DISK CLAMP UTILIZING
WEDGED RETAINING RING"

) Group Art Unit:

) Examiner:

) PETITION UNDER 37 CFR § 1.182

) CERTIFICATE OF MAILING

) I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING
) DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS
) FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO THE
) COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA,
) VA 22313 ON 8/6/04

Christine Jaeger

Mailstop: Petition

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

Dear Sir:

Applicants hereby submit this Petition to obtain a filing date as of the date of deposit of the application on July 23, 2003. Applicants have included the Petition fee of \$130.00 as required by 37 CFR § 1.17(h). Because the application should be entitled to a filing date as of July 23, 2003 as discussed below, this Petition also requests for a refund of the Petition fee.

BACKGROUND FACTS

1. On July 12, 2001, Applicants filed a patent application (U.S. Serial No. 09/905,385), now the U.S. Patent No. 6,624,968. Attached hereto at Exhibit A is a copy of the patent.
2. In response to a restriction requirement, Applicants filed the above-identified divisional application from the U.S. Patent Application Serial No. 09/905,385. In the present divisional application, the transmittal sheet filed indicated that

"This is a divisional application of pending prior Application Serial No. 09/905,385, filed July 12, 2001. The entire disclosure of the prior application, from which a copy of the Oath or Declaration is supplied, is considered to be part of the disclosure of the accompanying application and is hereby incorporated by reference."

A copy of the transmittal sheet as filed is attached hereto at Exhibit B.

3. Applicants inadvertently filed the present divisional application without a copy of the parent application, U.S. Serial No. 09/905,385. Attached hereto at Exhibit C is a copy of the parent application as filed.
4. Along with the divisional application transmittal sheet, Applicants also filed a postcard receipt, a check No. 14993, a copy of the Declaration from the parent application, a Nonpublication Request, an Information Disclosure Statement, and a Preliminary Amendment. All of the items were specifically itemized on the postcard receipt. The postcard receipt was date stamped by the U.S. Patent and Trademark Office on July 23, 2003, and was provided the corresponding U.S. Application Serial No. 10/626,812.
5. On July 22, 2004, the U.S. Patent Office issued a Notice of Incomplete Nonprovisional Application, indicating that a filing date had not been granted because the specification was missing. Attached hereto at Exhibit D is a copy of the Notice.

REQUEST

In view of the facts stated above, Applicants request that the above-identified divisional patent application be afforded a filing date of July 23, 2003, in accordance with MPEP § 201.06(c). Accordingly, it is also requested that the attached copy of the specification be entered.

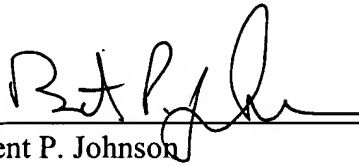
In the alternative and also in accordance with MPEP § 201.06(c), it is submitted that the entire specification was not missing from the divisional application as filed on July 23, 2003. The Preliminary Amendment included the Cross-Reference to Related Application, and amendments to the original claims of the parent application. Therefore, the inclusion within the transmittal sheet of the incorporation by reference of the parent application should permit Applicants to simply amend the present divisional application to include any subject matter in the prior application without the need for Petition since the divisional application was otherwise entitled to a filing date notwithstanding the incorporation by reference. Accordingly, it is requested that the attached copy of the specification be entered as an Amendment, the Petition fee be refunded, and a filing date be granted as of July 23, 2003.

In the Notice of Incomplete Nonprovisional Application, the Notice indicated that a newly executed Oath or Declaration must be filed to cover the missing specification. It is also requested within this Petition that this requirement be withdrawn since the application is entitled to a filing date of July 23, 2003 in which the specification is not considered missing by virtue of incorporating it by reference within the transmittal sheet.

Applicants believe that no further fees are due; however, if any such fees are due,
authorization is provided to charge Deposit Account No. 19-1970.

Respectfully submitted,

SHERIDAN ROSS P.C.

By: _____

Brent P. Johnson
Registration No. 38,031
1560 Broadway, Suite 1200
Denver, Colorado 80202-5141
(303) 863-9700

Date: 8/6/04_____

UTILITY DIVISIONAL PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.: 3123-366-1

Inventors: Herbert Ross Chessman of 4626 Betty Place, Erie, CO 80516 and Paul D. Mischo of 2181 Sand Dollar Circle, Longmont, CO 80503

Express Mail Label No.: EV331283781US

Title: "SPRING DISK CLAMP UTILIZING WEDGED RETAINING RING"

Group Art Unit:

Examiner:

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This is a Divisional application of pending prior application No. 09/905,385 filed July 12, 2001. The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered to be part of the disclosure of the accompanying application and is hereby incorporated by reference.

Enclosed for filing with the above-identified utility patent application, please find the following:

1. ☒ Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i).
2. ☒ Copy of Oath/Declaration from the above-referenced pending prior application (37 CFR 1.63(d)).
3. ☒ Information Disclosure Statement (IDS/PTO-1449)
4. ☒ Preliminary Amendment
5. ☒ Return Postcard (MPEP 503) *(should be specifically itemized)*
6. ☒ A check in the amount of \$750.00.

FEE CALCULATION:

Cancel in this application original Claims 1 - 8 and 24 - 27 of the prior application before calculating the filing fee.

	(COL. 1) NO. FILED				(COL. 2*) NO. EXTRA		SMALL ENTITY			LARGE ENTITY	
							RATE	FEE		RATE	FEE
BASIC FEE:								\$375.00	OR		\$750.00
TOTAL CLAIMS:	15	-	20		0		X \$9 =		OR	X \$18 =	\$0.00
INDEP. CLAIMS:	3	-	3		0		X \$42 =		OR	X \$84 =	\$0.00
MULTIPLE DEPENDENT CLAIMS							+ \$140 =		OR	+\$280 =	\$0.00
*IF THE DIFFERENCE IN COL. 2 IS LESS THAN ZERO, ENTER "0" IN COL. 2.							TOTAL:				\$750.00

OTHER INFORMATION:

1. ☒ The Commissioner is hereby authorized to debit any underpayments or credit any overpayment to Deposit Account No. 19-1970.
2. ☒ The Commissioner is hereby authorized to charge all required fees for extensions of time under §1.17 to Deposit Account No. 19-1970.
3. ☒ The Power of Attorney appears in the original papers of the prior pending application.
4. ☒ The prior application is assigned to MAXTOR CORPORATION.

5. ☒ Please amend the specification by inserting the following after the title and before the Field of Invention:

— CROSS REFERENCE TO RELATED APPLICATION

The present application is a divisional application of and claims priority from U.S. Patent Application Serial No. 09/905,385, filed July 12, 2001, entitled "SPRING DISK CLAMP UTILIZING WEDGED RETAINING RING", the entire disclosure of which is incorporated herein by this reference.

6. ☒ Correspondence Address:

Brent P. Johnson
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1560 Broadway, Suite 1200
Denver, Colorado 80202-5141
Telephone: (303) 863-9700
Facsimile: (303) 863-0223

7. ☒ Customer No: **22442**

Respectfully Submitted,

SHERIDAN ROSS P.C.


Brent P. Johnson
Registration No. 38,031

Date: 7/23/03

"EXPRESS MAIL" MAILING LABEL NUMBER: EV331283781US
DATE OF DEPOSIT: July 23, 2003

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 CFR 1.10 ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO THE COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VIRGINIA 22313-1450.

TYPED OR PRINTED NAME: AIMEE M. THUERK

SIGNATURE: 